

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**KEITH LEVINE**

**PLAINTIFF**

**CAUSE NO. 3:20-CV-17-CWR-FKB**

**GEICO INSURANCE COMPANY, *et al.***

**DEFENDANTS**

**ORDER**

Before the Court is Plaintiff Keith Levine's Motion to Remand. For the following reasons, the motion is denied.

This lawsuit arises from an alleged hit-and-run accident involving Levine and "William Harris," the fictitious name of the driver Levine says struck him. On December 5, 2019, Levine filed this lawsuit against Defendant Geico Insurance Company, "William Harris," and other unknown defendants in the Circuit Court of Madison County, Mississippi. GEICO removed the matter to this Court on January 10, 2020, asserting that the Court possessed jurisdiction over this case on the basis of diversity of citizenship under 28 U.S.C. § 1332.

In the present motion, Levine contends that remand is necessary because "William Harris" is a citizen of Mississippi. Since Levine is also a citizen of Mississippi, Levine argues that the eventual joinder of "Harris" will destroy complete diversity and divest this court of subject matter jurisdiction.

Levine's motion is premature since "Harris" has yet to be named. Federal law provides: "[i]n determining whether a civil action is removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be disregarded." 28 U.S.C. § 1441(b). This "applies only to John Doe defendants as such, not to subsequently named parties identifying one of those fictitious defendants." *Doleac ex rel. Doleac*

*v. Michalson*, 264 F.3d 470, 477 (5th Cir. 2001). At this stage, therefore, the citizenship of “William Harris” must be disregarded for purposes of determining diversity jurisdiction. *See Vaillancourt v. PNC Bank, Nat. Ass’n*, 771 F.3d 843, 848 n.38 (5th Cir. 2014); *see also* 28 U.S.C. § 1441(b).

Because the presently-identified parties are completely diverse, Levine’s motion is denied without prejudice. The parties are directed to contact the chambers of the Magistrate Judge within 10 days to schedule a case management conference.

**SO ORDERED**, this the 2nd day of March, 2020.

s/ Carlton W. Reeves  
UNITED STATES DISTRICT JUDGE